

Sage Legal LLC

18211 Jamaica Avenue • Jamaica, NY 11423-2327 • (718) 412-2421 • emanuel@sagelegal.nyc

July 9, 2024

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Peggy Kuo, U.S.M.J.
225 Cadman Plaza East
Courtroom 11C South
Brooklyn, NY 11201-1804

Re: *Martinez, et al. v. Atlantis Super Wash Center Inc., et al.*

Case No.: 1:23-cv-4667 (CBA) (PK)

Dear Judge Kuo:

Defendants Atlantis Super Wash Center Inc., Clean City Laundry Inc., and Nick Mira (collectively hereinafter the “Defendants”) respectfully submit this letter motion to request an adjournment of the settlement conference and an extension of time for Defendants to both make their settlement offer as set forth in this Court’s Order dated June 3, 2024 and to file an answer to the complaint.

Pursuant to ¶ III(C) of this Court’s Individual Practice Rules (“Individual Rules”), Defendants submit that: (a) the original date of the settlement conference is set for Friday, July 19, 2024 at 2:00 PM and there have been no previous requests for an adjournment of this conference; (ii) the reason for the request is because the individual Defendant has pre-planned travel with family on the date of the settlement conference; (iii) Defendants sought Plaintiffs’ consent on June 21, 2024 but never received a response, and did not get a clear response in follow up correspondence today; and (iv) Defendants do not believe that the requested adjournment will affect any other scheduled dates or deadlines such that a revised proposed discovery plan or scheduling Order is necessary.

Pursuant to ¶ IV(B) of the Individual Rules, Defendants also submit that: (1) the original deadline to submit a settlement offer was June 28, 2024 and to file an answer was on June 14, 2024 pursuant to Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure (hereinafter referred to as “Rules” or “Rule”); (2) the reason for the request is because Defendants need additional time to review the time and pay records in order to make a settlement offer and wish to avoid the costs in preparing an answer until after the settlement conference in this case; (3) there have been no previous requests for an extension of these deadlines; (4) as set forth above, because Defendants did not receive a clear response on their request for an adjournment, they were unable to receive Plaintiffs’ consent to the instant requested extensions of time; and (5) Defendants do not believe that the requested adjournment will affect any other scheduled dates or deadlines such that a revised proposed discovery plan or scheduling Order is necessary.

In light of the foregoing, Defendants respectfully submit that sufficient good cause (and, with respect to the requested extensions, excusable neglect) exists to warrant this Court's exercise of discretion in favor of granting an adjournment of the settlement conference and extending Defendants' deadline to both make their settlement offer as set forth in this Court's Order dated June 3, 2024 and to file an answer to the complaint. See Fed. R. Civ. P. 6(b)(1)(A) and (B).

Defendants' request is further supported by Rule 1, which provides that the Rules should be construed, administered, and employed *by the court* and the parties to secure the *just, speedy, and inexpensive determination* of every action and proceeding. See Fed. R. Civ. P. 1 (emphasis added).

Defendants thank this Court for its time and attention to this case.

Dated: Jamaica, New York
July 9, 2024

Respectfully submitted,

SAGE LEGAL LLC

/s/ Emanuel Kataev, Esq.
Emanuel Kataev, Esq.
18211 Jamaica Avenue
Jamaica, NY 11423-2327
(718) 412-2421 (office)
(917) 807-7819 (cellular)
(718) 489-4155 (facsimile)
emanuel@sagelegal.nyc

*Attorneys for Defendants
Atlantis Super Wash Center Inc.,
Clean City Laundry Inc.,
and Nick Mira*

VIA ECF

The NHG Law Group, P.C.
Attn: Justin M. Reilly and Keith E. Williams, Esqs.
4242 Merrick Road
Massapequa, NY 11758
justin@nhglaw.com
keith@nhglaw.com

*Attorneys for Plaintiffs
Ester Martinez,
Leria Perez Zapata,
and Mateo Guzman*